



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2017

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WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.3671 of 2017

and

W.M.P (MD) Nos.2947 and 2948 of 2017

K.Ganesh

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation,
Madurai Limited,
represented by its Managing Director,
Bye pass Road, Madurai.

2.The Tamil Nadu State Transport Corporation,
Madurai Division,
represented by its General Manager,
Bye Pass Road,
Madurai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned charge memo in O.Na.Thu./D3/Nagar/CD/3465, dated 3.10.2016 issued by the second respondent and to quash the same and consequently to direct the respondents to allot duty to the Petitioner until the finalization of the departmental enquiry.

For Petitioner : M/s.K.Viralinathan

For Respondents : Mr.A.Jeyaraman

O R D E R

This Writ Petition has been filed, seeking for issuance of a Certiorarified Mandamus calling for the records relating to the impugned charge memo in O.Na.Thu./D3/Nagar/CD/3465, dated 3.10.2016 issued by the second respondent and to quash the same and consequently to direct the respondents to allot duty to the Petitioner until the finalization of the departmental enquiry.

2.Mr.A.Jeyaraman, learned counsel takes notice for the respondents. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.



3.The Petitioner has come forward with this Writ Petition challenging the charge memo, dated 3.10.2016.The Petitioner submitted that he joined the services of the respondents Corporation in the month of October 2015 and that he has not been provided with a job from August 2016 and that he challenged the impugned charge memo, dated 3.10.2016 after a period of five months. From the charge-memo, it is clear that the Petitioner is said to have obtained job by producing fake S.S.L.C.Certificate and that the respondents have taken action against the Petitioner. The petitioner would contend that the petitioner had completed 240 days in order to get regularization, but he has been deprived of the job. His contention cannot be accepted. Completion of 240 days in 12 calendar months is only for the purpose of calculating and granting compensation under Section 25 (F) of the Industrial Disputes Act and not for seeking regularisation. The employees who commit misconduct cannot escape disciplinary action and the respondents are free to initiate departmental proceedings against the Petitioner, if so advised. Hence this Court is not inclined to quash the charge memo, dated 3.10.2016. The respondents are entitled to proceed against the Petitioner, as the allegation against the Petitioner is that he has produced fake certificate and the allegations are serious in nature.The respondents are directed to proceed with the departmental proceedings on day-to-day basis and the enquiry officer shall not adjourn the proceedings beyond five working days at any point of time.

4.With the above observation, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are dismissed. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To:

1.The Managing Director,The Tamil Nadu State Transport Corporation Ltd., Madurai , Bye pass Road, Madurai.

2.The General Manager,
The Tamil Nadu State Transport Corporation,
Madurai Division, Bye Pass Road, Madurai.

+One cc to Mr.K.Viralinathan, Advocate,SR.No.12090

vsn

RL/4C/2P/KKR/SAR1/6.6.2017

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